

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS'
CONCUSSION INJURY LITIGATION

Kevin Turner and Shawn Wooden, on behalf of themselves
and others similarly situated,

Plaintiffs,

v.

National Football League and NFL Properties LLC,
successor-in-interest to NFL Properties, Inc.,

Defendants.

No. 2:12-md-02323-AB

MDL No. 2323

CIVIL ACTION NO: 2:14-cv-
00029-AB

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**[PROPOSED] ORDER GRANTING CO-LEAD CLASS COUNSELS' PETITION
FOR AN AWARD OF ATTORNEYS' FEES, REIMBURSEMENT OF COSTS
AND EXPENSES, ADOPTION OF A SET-ASIDE OF FIVE PERCENT OF
EACH MONETARY AWARD AND DERIVATIVE CLAIMANT AWARD,
AND CASE CONTRIBUTION AWARDS FOR CLASS REPRESENTATIVES**

CO-LEAD CLASS COUNSEL having filed a petition ("Petition") for (i) an award of attorneys' fees and reimbursement of common benefit costs and expenses, pursuant to section 21.1 of the Class Action Settlement Agreement as Amended (ECF No. 6481-1), to which this Court granted final approval on April 22, 2015 (ECF No. 6509) ("Settlement Agreement" or "Settlement"); (ii) adoption of a set-aside of five percent from Monetary Awards for Qualifying Diagnoses made to Eligible Retired NFL Football Players and Representative Claimants ("Monetary Awards") and from Derivative Claimant Awards under Articles VI and VII the Settlement, respectively; and (iii) class representative Case Contribution (or incentive) awards of

\$100,000 each to Shawn Wooden, the Estate of Corey Swinson, and the Estate of Kevin Turner;
and the matter having come on for consideration by the Court;

NOW, on this _____ day of _____, 2017, upon consideration
of the Petition, it is ORDERED, ADJUDGED, and DECREED that the Petition be, and hereby
is, GRANTED; and

IT IS FURTHER ORDERED as follows:

1. The Court awards \$112,500,000 in attorneys' fees and reimbursement of costs and expenses. All attorneys' fees and reimbursement of costs and expenses shall be paid from the Attorney's Fees Qualified Settlement Fund established pursuant to sections 21.2 and 23.7 of the Settlement Agreement and this Court's Order of _____, 2017.
2. Class Counsel are awarded aggregate attorneys' fees in the amount of \$_____ and reimbursement of costs and expenses in the amount of \$_____, for a total aggregate award of \$_____.
3. Co-Lead Counsel Christopher A. Seeger shall have the exclusive responsibility and discretion to make the allocation of the foregoing interim fee and costs/expenses award among those Plaintiffs' Counsel seeking compensation for common benefit work and common benefit costs and expenses incurred, and he shall do so not later than thirty days of the date of entry of this Order.

[or]

Co-Lead Counsel Christopher A. Seeger shall have the responsibility and discretion to make the initial allocation of the foregoing interim fee and costs/expenses award among those Plaintiffs' Counsel seeking compensation for common benefit work and common benefit costs and expenses incurred, and he shall do so not later than thirty days of the date of entry of this Order. Within ten days of his proposed allocation of the interim fees and cost/expense reimbursements, Mr. Seeger shall file a report with the Court detailing same for its review.

4. To the extent that any objections to Class Counsel's fee application were filed, the disposition of those objections, including any appeals taken, shall not delay Mr. Seeger's allocation and distribution of fees, except that any amount in dispute shall be set aside in the Attorney's Fees Qualified Settlement Fund pending final resolution of any appeals from this Court's ruling on those

objections. Once all direct appeals are exhausted, Mr. Seeger may apply to the Court for the release of whatever amount was set aside pursuant to this paragraph for his appropriate allocation and distribution among Plaintiffs' Counsel.

5. Pending the Court's resolution of petitions for attorneys' fees and reimbursement of expenses filed by counsel for settlement objectors (*e.g.*, ECF No 7070), the sum of \$_____ shall be segregated and maintained in the Attorney's Fees Qualified Settlement Fund pending further Order of the Court. Once this Court rules on the fee petitions of objectors' counsel, Mr. Seeger may apply to the Court for the release of whatever portion of the amount set aside under this paragraph is not awarded to objectors' counsel for his appropriate allocation and distribution among Plaintiffs' Counsel.
6. The Claims Administrator is hereby directed to withhold five percent of all Monetary Awards and Derivative Claimant Awards for the purpose of creating a fund to compensate future work performed in connection with the implementation of the Settlement Agreement by the Class Counsel whom this Court appointed in paragraph 6 of its Amended Final Order and Judgment entered on May 8, 2015 (ECF No. 6534), as well as any other counsel performing such work, provided that the work is expressly authorized in writing by Co-Lead Class Counsel.
7. Within thirty days of the date of entry of this Order, Co-Lead Class Counsel shall file with the Court a proposed protocol for the Claim Administrator's withholding of the set-asides authorized in paragraph 6 above, the retention and oversight of the fund resulting from such set-asides, and the procedure for applications for awards of fees and reimbursement of costs and expenses for work performed in connection with the implementation of the Settlement Agreement.
8. Shawn Wooden, the Estate of Kevin Turner, and the Estate of Corey Swinson shall each be paid the sum of \$100,000 as class and subclass representative Case Contribution/ incentive awards. The cost of this total of \$300,000 in incentive award payments shall be paid from the Attorneys' Fees Qualified Settlement Fund. The Court's making of these incentive awards shall not require the NFL Parties to fund the Attorneys' Fees Qualified Settlement Fund beyond the \$112.5 million required under section 21.2 of the Settlement Agreement.

Anita B. Brody
United States District Judge